



MINUTES
MEMBERS OF THE INLAND WETLANDS AND WATERCOURSES COMMISSION
Tuesday December, 7, 2010

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Kevin Chamberlain, Alternate, arrived at 7:35 p.m.
Frank Marcus, Alternate
Lars Jorgensen

MEMBERS ABSENT: David Lucas
Carmine DeFeo

ALSO PRESENT: Stephen M. Savarese, PE, LS, Town Engineer
Mario Coppola, Esq.
Ellen G. Yates, Clerk

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the Town Engineer, Town Hall, Trumbull, CT.

The Chair convened the meeting at 7:08 p.m.

Motion made (Lauria) seconded (Fox) to enter into Executive Session to discuss a pending legal action, Emilio Ferri v. Town of Trumbull Inland Wetlands and Watercourses Commission, (Docket No. FBT-CV-10-6011592S) at 7:09 p.m. No discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Attending the Executive Session: Commission members, Attorney Coppola, Stephen M. Savarese, Richard Girouard, Arlyne Fox, John Lauria, Frank Marcus, Lars Jorgensen, Ellen Yates, IWWC Clerk. The tape recorder was turned off, the public left the room, the doors were closed and the Commission went into executive session.

Attorney Coppola left the Executive Session at 7:24 p.m.

Attorney Coppola returned to the Executive Session at 7:27 p.m.

Motion made (Lauria) seconded (Fox) to close the Executive Session at 7:31 p.m. No discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Commissioner Chamberlain arrived at the meeting at 7:35 p.m.

Commissioner Fox led the Commission in the Pledge of Allegiance.

Commission Lauria read the public hearing notice.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Tuesday, December 7, 2010, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following applications:

Application 10-21 Robert C. Whitehead. Permit approval of current locations of 36'x15' canvas shed, wood pile and earthen berm in a regulated area at 5204 Madison Avenue (continuation of Public Hearing from November 8, 2010).

A copy of the applications and maps are on file for public inspection in the Town Engineer's Office, Town Hall, Trumbull, Connecticut.

Dated at Trumbull, Connecticut this 9th day of November, 2010.

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

Public Hearing.

The Chairman opened the public hearing at 7:40 p.m.

Application 10-21 Robert C. Whitehead. Permit approval of current locations of 36'x15' canvas shed, wood pile and earthen berm in a regulated area at 5204 Madison Avenue (continuation of Public Hearing from November 8, 2010).

The Chairman announced that Application 10-21 has been withdrawn. There was a discussion about the Cease & Correct order still being in effect on this property. Stephen Savarese explained that he could notify Mr. Whitehead that he has ten days to start a new application. Failure to do so will result in a Show Cause hearing at the next meeting.

Motion made (Fox) seconded (Lauria) to close the public hearing at 7:42 p.m. No discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

The Chairman opened new business at 7:42 p.m.

New Business:

The Commission discussed the legal action pending in the Judicial District of Fairfield at Bridgeport, and more particularly described as Emilio Ferri v. Inland Wetlands and Watercourses Commission of the Town of Trumbull, with Docket No. FBT-CV-10-6011592S. Attorney Coppola presented the pending Joint Motion for Judgment, Stipulation for Judgment, and proposed site plans to the Commission, and to be entered into the record. The Commission had a brief discussion about the Stipulation for Judgment to confirm that it has been changed to state that the split-rail fence will be located a minimum of ten feet from the wetlands as opposed to the five feet originally stated in the Stipulation. The Commissioner asked if anyone from the public wished to speak. No one from the public came forward.

Motion made (Lauria) seconded (Marcus) to APPROVE the Joint Motion for Judgment, and Stipulation for Judgment (Emilio Ferri FBT-CV-10-6011592S, Emilio Ferri v. Inland Wetlands and Watercourses Commission of the Town of Trumbull). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Application 10-31 Luis A. Galarza. Permit approval to remove seven trees that are leaning on top of house in a regulated area at 31 Marshal Avenue.

Mr. Galarza described the trees that are on his property and leaning towards his house. He is concerned that these trees will fall at some point causing injury to a person or damage to his home. The commission questioned the type of trees that are to be removed, their distance from the home and the height of the trees. Mr. Galarza stated that these are 90-100 foot tall mostly Maple trees located approximately thirty feet from the home. The commission asked if he had plans to replace these trees if they were removed. Mr. Galarza responded that he did not have plans to do so but that it wouldn't be a problem to do so.

Motion made (Fox) seconded (Marcus) to RECEIVE Application 10-31(Luis Galarza). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Application 10-33 Town of Trumbull. Permit approval to extend existing culvert and grade to provide a wider exit area and eliminate truck/passenger vehicle bottlenecks at 101 Spring Hill Road (Transfer Station).

Theodora Samadjopolous, the Deputy Director of Public Works for the Town of Trumbull, presented this application on behalf of the Town of Trumbull. The procedure was described along with the effects on the existing watercourse. The Commission expressed concern about filling of the wetlands. Discussion took place regarding procedures, alternatives, effects on the watercourse and area and traffic issues.

Motion made (Fox) seconded (Chamberlain) to RECEIVE Application 10-33 (Town of Trumbull). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lauria) to close new business at 8:13 p.m. No Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Violations: The Chairman opened the Show Cause Hearing 8:14 p.m.

James P. Lenahan and Karyn L. Lenahan, 33 Briarwoods Terrace, Trumbull, Connecticut. Cease and Correct Order and Notice of Violation dated November 29, 2010 regarding the property located at 33 Briarwoods Terrace. James P. Lenahan owner of the property, and Morgan Pasicki, 158 Nichols Street, Fairfield, the builder were present.

Stephen M. Savarese gave a brief history of the situation leading to the original violation and the November 3, 2010 violation letter was also read into the record. The building permit stated that there would be "No activity within one hundred feet of the wetlands". On November 3, 2010 Notice of Violation was sent to the applicant. for activity conducted within one hundred feet of the wetlands. This letter described the procedures that were to be followed and that an Application needed to be made to the IWWC. Mr. Lenahan and Mr. Pasicki were both informed of these conditions, and to date these conditions have not been met.

Mr. Pasicki summarized the work, stabilization and erosion control that were done to stabilize the area and he was under the impression that he had met the condition described in the Violations letter.

The Commission addressed the issue of the "Cease and Correct Order and Notice of Violation" dated November 29, 2010 and Mr. Lenahan and Mr. Pasicki explained their interpretation of the same.

Mr. Savarese explained that the option at this point was to show cause why the Cease & Correct order should be lifted and to ask the Commission to Release the Cease & Correct order with a promise to make an application.

Mr. Lenahan & Mr. Pasicki stated that they are still confused but that they will do whatever they need to do to make sure this is handled correctly.

The Chairman closed the Show Cause Hearing 8:40 p.m.

Motion made (Lauria) seconded (Marcus) to APPROVE the November 8, 2010 Minutes. No discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

No correspondence.

Motion made (Girouard) seconded (Fox) to elect John Lauria as Secretary of the Inland Wetlands and Watercourses Commission. No discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Girouard) seconded (Lauria) to elect Arlyne Fox as Vice-Chairman of the Inland Wetlands and Watercourses Commission. No discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lauria) to elect Richard Girouard as Chairman of the Inland Wetlands and Watercourses Commission. No discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lauria) to approve the scheduled 2011 meeting dates as presented at this meeting. Discussion. All in favor. MOTION CARRIED UNANIMOUSLY

The Chairman called a recess at 8:45 p.m.

The Chairman reconvened the meeting at 8:54 p.m.

Motion made (Lauria) seconded (Marcus) to schedule a Field Inspection on Application 10-31 (Galarza). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Motion made (Lauria) seconded (Fox) to DENY Application 10-33 (Town of Trumbull) without prejudice. Application denied for insufficient information and lack of reasonable prudent alternatives. Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

Field Inspection scheduled for Tuesday December 14, 2010 at 3:30 p.m. for Application 10-31 (Galarza).

Motion made (Lauria) seconded by (Fox) to maintain the Cease and Correct Order and the Notice of Violation on the Subject (James & Karyn Lenahan). Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

There being no objections the Chairman moved to adjourn the meeting at 9:05 p.m.

Respectfully submitted by,

Ellen G. Yates,
Clerk of the Commission